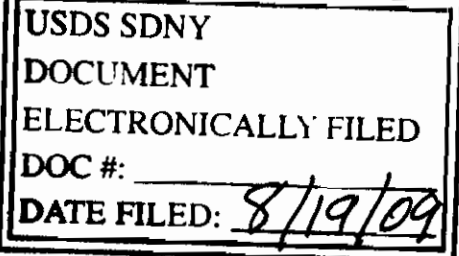


In Re: Methyl Tertiary Butyl Ether : Master File C.A. No.  
("MTBE") Products Liability : 00 Civ. 1898 (SAS)  
Litigation : MDL 1358

-----:  
This document pertains to: :  
City of New York v. Amerada Hess, :  
et al., :  
No. 04 Civ. 3417 :  
-----:

JAMES C. FRANCIS IV  
UNITED STATES MAGISTRATE JUDGE



The Court having reviewed the objections to designated portions of the deposition of Timothy E. Buscheck dated November 15, 2006, the objections are determined as follows, except insofar as any relevance objections not explicitly ruled on are reserved for trial:

<u>Tab</u>	<u>Pages/Lines</u>	<u>Ruling</u>
1	10:14-10:23	Overruled; the witness' background is relevant to the jury's evaluation of his testimony.
2	13:5-13:7	Overruled; <u>see</u> ruling for Tab 1.
3	49:13-49:18	Overruled as to foundation; relevance objection reserved.
4	50:8-50:11	<u>See</u> ruling for Tab 3.
5	87:7-87:12 87:16-88:2	Overruled; the witness has laid an adequate foundation and has authenticated the document he authored.
6	120:3-120:21	Overruled; <u>see</u> ruling for Tab 5; admissible as a business record.
7	164:19-165:5	Overruled; no authentication required because testimony is independent of document.

SO ORDERED.

  
JAMES C. FRANCIS IV  
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York  
August 19, 2009

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